

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 09/05/2023

RAMON ACOSTA,

Plaintiff,

- against -

UNITED STATES OF AMERICA,

Defendant.

16 Civ. 4525 (VM)

ORDER

VICTOR MARRERO, United States District Judge.

In an undated letter to the Court sent on or about April 2023, Mr. Acosta informs the Court that he "do[es] not know anything about my motion . . . that I put in." (See Dkt. No. 7.) Mr. Acosta appears to characterize this purported motion as a challenge under 18 U.S.C. § 924(c) and 28 U.S.C. § 2255. (See id.) He also asks the Court to appoint another attorney to represent him. (See id.)

The Court is unaware of any outstanding motions in this matter. In August 2020, the Second Circuit denied Mr. Acosta's request to file a successive 28 U.S.C. § 2255 motion challenging his conviction under 18 U.S.C. § 924(c). See Dkt. No. 13, No. 10 Civ. 6945 (S.D.N.Y. Aug. 28, 2020). In July 2021, this Court denied Mr. Acosta's motion seeking relief pursuant to Rule 60 of the Federal Rules of Civil Procedure and ordered that to the extent Mr. Acosta raised arguments that could have been brought pursuant to 28 U.S.C. § 2255,

Mr. Acosta did not make a substantial showing of a denial of his constitutional rights and a certificate of appealability would not issue. See Dkt. No. 157, 07 Cr. 1150 (S.D.N.Y. July 16, 2021). The Court further certified that any appeal from the Order would not be taken in good faith. See id.

Accordingly, the relief Mr. Acosta seeks is hereby DENIED. Mr. Acosta is directed to address any remaining issues to the Court of Appeals. See 28 U.S.C. §§ 2244(b)(3)(A), 2255(h).

The Clerk's Office is hereby respectfully directed to mail this Order to Ramon Acosta, Register No. 56954-054, at FCI McDowell, P.O. Box 1009, Welch, West Virginia 24801.

SO ORDERED.

Dated: 5 September 2023
New York, New York



Victor Marrero
U.S.D.J.